

**Executive Committee Conference Call Minutes
December 14, 2004**

(Minutes recorded and submitted by Goldie Caughlan, NOSB Secretary).

NOSB Members: James Riddle, Goldie Caughlan, Andrea Caroe, Dave Carter, Kevin O'Rell, Nancy Ostiguy, and George Siemon

Absent Members: Rose Koenig

NOP Staff: Rick Mathews, Arthur Neal, Barbara Robinson and Katherine Benham Frank
Martin OGC Staff (sitting in for today's call)

1. **Call to Order:** 3:00 p.m. Eastern – Jim Riddle
2. **Review and Agenda Approval:** JR made a motion to approve the agenda, DC motioned and AC Seconded. Motion passed unanimously. (See attachment)
3. **Secretary's Report:** GC, who had been absent from the previous EC meeting, in November and deferred to KB, who reported that the October EC minutes were not yet approved by NOP and the November EC minutes had not yet been transcribed.
4. **Announcements:** JR announced that he had faxed, mailed, and e-mailed a letter to Gov Johan congratulating him upon his appointment as the new USDA Secretary, and indicating NOSB's willingness to work with him in the future. Copies had been e-mailed to the full Board and NOP staff.
5. **Chair's Report:** JR reported on a discussion concerning the Association of American Plant Food Control Officers (AAPFCO) and their definitions of organic fertilizers. The Organic Trade Association's Suppliers Advisory Council (OTA's OSAC) has submitted comments for consideration by the AAPFCO at their meeting in late February 2005, in which OTA asks AAPFCO to consider specific fertilizer labeling changes, to remove confusion regarding "organic fertilizer" concepts in the marketplace. JR offered a draft of a letter for the EC's consideration today, which would go to the AAPFCO endorsing the changes proposed by OTA for AAPFCO's regulated fertilizer label claims. Discussion ensued, during which NOP staff clarified that an endorsement letter from the EC is beyond the scope of EC's role, which is to advise the Secretary. JR then moved, and GC seconded, that the EC advise the Secretary of our concerns and ask that a letter be addressed to AAPFCO endorsing the OTA's position regarding request for labeling changes. After further discussion, the issue was dropped to be revisited at the January EC meeting

JR noted that he and RK on this coming Thursday, from noon to five p.m. will participate with the NOP in orientation of the two new contractors. A report back will be made at the next EC meeting.

JR reported that a letter was received from Michael McGuffin (sp?) of the American Herbal Products in regard to our scope relating to herbal products. ____ (who?) responded to him, thanking AHP for the input, and that we will take it into consideration as we proceed.

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6. NOP Issues/Updates: Barbara Robinson

Directives: We call them “issues” now, not “directives” – are at the Secretary General Counsel’s office. Nancy Bryson, Chief Counsel to Secretary, told A. J. she wanted one more look with her attorney. We hope to get it back finished this week.

ANSI Report: Is underway to the Under Secretary. Just finished an informational memo, summarizing NOP response to ANSI and the ANSI findings, and full report package has been sent forward because OGC and Sec’s office also needed to see it. Again, OGC, I hope is going to give these back before the holidays.

Collaboration Document: Is going forward, and no problems anticipated there. We hope they’ll be ready before the holidays.

NOSB Exec Director Position: Comments from DC and JR was forwarded to A. J. Yates, for review by J. Michael Kelley. However, BR continues to see problems in the proposed job description and that needs to be redrafted.

NOSB Appointments: The appointment packet is with the office of White House Liaison. It is well understood that this is very important, and that the appointments should be made soon.

GMO: The Q & As for clarification of the GMO issues, we prepared a letter and forwarded it to the Office of General Counsel Secretary’s office to be signed by Under Secretary Hawks. It will include the preamble in the answers and so forth.

We will let the Secretary know we want to publish these as a Q and A list on the website in order to assist certifiers. This went out December 6 and should be back this week or soon.

Regarding the Collaboration document, ANSI, and the Response to issue papers, etc., the minute we get clearance we can give this to the NOSB Board and OTA -- 24 hours before we post them so you all have a heads-up.

Federal Register Notice for Task Force: AN reported that it’s under OGC review. Regarding the National List Amendment, we have been working with the Sunset aspect, and it is back in OGC for review.

Bitter Orange Inquiry: We have to finalize that. We have responses from Nancy and Andrea. We understand that Rose is going to request that item be put on Board’s agenda for next the meeting. There are other issues with the Crops Committee – with cultured sugar, is it ag or non-ag? It should be on the Board’s agenda also.

AC: Cannot we tag it onto the discussion we are having on ag and non-ag?

AN: Yes, sure, but it came as an inquiry. It went to Rose, but she’s not on this call today.

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JR: On this cultured sugar or something else, could it go to all board members, not just the committee members -- as standard procedure?

AN: He was calling me asking me for status on it. I can forward what he said to the materials committee or on to the full board

JR: Re bitter orange, I still plan on getting comments in later today. AN: Fine, just work with Rose and the materials committee on this issue then.

JR: To clarify: So, Arthur the deadline of today, instead the bitter orange issue goes onto the March agenda then, yes? AN: Yes.

7. Committee Chair Reports:

- a. **Policy Committee:** DC, Chair – Regarding the Executive Director, now Barbara, you have problems with it? BR: Yes. I don't think we are communicating; I continue to urge someone we hire as exec would have stronger expertise in the scientific fields, if he/she is really going to help NOSB with regard to national list functions. I see only one mention "training in food science" and 3rd page "desired qualification of advocacy" – and we cannot put that in a job description. The ED is there to assist the Board, but it cannot be called advocacy.

DC: Are we really looking for a chemist to be Exec, or someone who has an understanding of organics and knowledge, and primarily works to help the Board with policies, working with the other departments, helping them to be able to better communicate and so on.

BR: But this person is not going to DO policy, and not going to have entrée to EPA or FDA or whatever, maybe not even me. This individual could be a Staff contact person who works with Staff contact at those other agencies, to help iron out understanding the rules – but this person will not be policy person.

JR: Clarifying – we call it "policy" but it is a different meaning for us.

BR: there are indeed people I believe who do have backgrounds in maybe we should say organic food science. I know you want someone who can write, has chemistry background and so on.

DC: But, do we want a generalist, or a scientist who can also TALK about it?

BR: I'd want comfort with science, and could speak the language, but write well, speak well. No problem with asking candidates permission for some board representation in interviews.

JR summarized that BR will get back to policy committee on both documents. DC stated that the Policy Committee will redraft for the next EB meeting; and put this on January Executive Committee meeting agenda for final action.

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AC: Can we find out who on the board would be interested in the interview process?

JR: We need the policy first. DC: We could do it concurrently. JR. Agreed.

DC: The Policy Development committee met and talked about collaboration and the framework – but I'm sort of at a loss as to how to move forward – it came back and I've not had chance to take it up with Jim or others. I got feedback the Board Policy Manual, making those revisions, and will circulate.

JR: we anticipate changes to the Manual as it relates having an ED. Hopefully get those ready to post prior to the next board meeting. And need to think about what version to use with the ED candidates in interviews.

- b. **Crops Committee:** NO, Chair -- nothing has happened. What is deadline for getting to NOP prior to board? RM: That would be January 27.

AN: there are two reports: Ferric Phosphate and Ammonium that we still need feedback on from Crops. Check with Rose – (sent in October Arthur says). The NOP reviewed but need deficiencies etc, if there, to come from Crops Committee. That is the last two so we can move on it. (Nancy does not have them: Arthur will resend today).

JR: Nancy I also added to the crops the status of compost, the letter that went to Maine, stating that NOSB would work with the NOP re Q and A need to develop on compost and regarding compost tea. (Discussion with NO)

JR: Will NOP send copies of the letter that went out to the senators? Need it at crops committee for prepping Q and As on these issues? BR Yes, that will be done.

- c. **Livestock Committee:** GS, Chair – Livestock Committee has had no other meetings since last exec board meeting. No report update.
- d. **Handling Committee:** KO, Chair – The Handling Committee has not had a call since last EB meeting. We are getting info together for yeast determination on ag and non-ag. Kim was starting that and hopefully we'll have a handling meeting soon.
- e. **Materials Committee:** RK, Chair – not on the call today. JR stated that Rose's main focus is preparing for their joint orientation of TAP folks this next Thursday. GS: I'm so glad NOP is including Jim and Rose to represent us.
- f. **Accreditation /Compliance Committee:** AC, Chair reported there had been no meeting, but they tried. Hopefully, Jan 5 may work, Becky and Jim are available, waiting for Mike, before Jan 27 hope we can finish off the recommendations for certificates as well as for institutionalizing the peer review recommendations. AC will talk to BR about that. Also

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working on guidelines for operations that are seeking certifiers. The committee will work on list of questions to consider when choosing a certifier.

GENERAL: JR: General thing – I heard Jan 27 is deadline for any policy drafts to be submitted for upcoming meeting – can chairs submit them by the 27th -- even if there need to be changes made on something later?. (NOP Staff indicated “yes”).

Meeting adjourned at _____. (Sorry: somehow this last part was deleted from my notes, including who motioned and seconded for the adjournment. Anyone fill in here?) Goldie

Note: Today’s Agenda is appended below, from JR, together with Committee Work plans from October Board meeting.

EXECUTIVE COMMITTEE CONFERENCE CALL

December 13, 2004 - 3:00 pm EST

Leader: Arthur Neal

Executive Committee Conference Call is limited to NOSB Participants only.

1. **Call to Order:** Jim Riddle, Chair
2. **Review and Approve Agenda**
3. **Announcements**
4. **Secretary’s Report** – Goldie
 - a. Review EC minutes from November
5. **Chair Report** – Jim
 - b. Letter to Gov. Johanns
 - c. Letter to AAPFCO
 - d. TAP Orientation – Jim, Rose
6. **NOP Issues/Update**
 - e. Directives
 - f. ANSI Report
 - g. Collaboration
 - h. NOSB Executive Director
 - i. Federal Register notice for task forces
 - j. FR notice for National List amendments
 - k. GMO Q&As
 - l. Bitter Orange
 - m. NOSB appointments
 - n. Other
7. **Committee Chair Reports – Updates on work plans – see Addendum A**
 - a. Policy Development – Dave
 - b. Crops – Nancy

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- c. Livestock – George
- d. Handling – Kevin
- e. Materials – Rose
- f. Accreditation/Compliance – Andrea

8. Other Business

9. Next EC Meeting

10. Adjourn

Addendum A - NOSB Committee Work Plans – Presented October 14, 2004, Updated Dec. 6, 2004

Accreditation, Certification and Compliance – Andrea Caroe, chair

- 1) Information on Certificates – draft rec'd
- 2) Guidance for people seeking certification - how to choose a certifier
- 3) Operationalizing Peer Review

Livestock – George Siemon, chair

- 1) Establish Aquatic Animals Task Force
- 2) Collaborate with NOP on FDA issues for livestock medication – work w/ PDC
- 3) Dairy replacement rule change
- 4) Methionine expiration from National List
- 5) Petitioned substances, including proteinated chelates
- 6) Review National List for any early sunset reviews
- 7) Apiculture standards as rule change

Policy Development – Dave Carter, chair

- 1) KSA for NOSB Executive Director
- 2) Policy for NOP/NOSB Collaboration
- 3) Board Policy Manual Revisions
 - a) Schedule of NOSB Meetings
 - b) Barbara Robinson Comments
 - c) Explanation of Technical Corrections
- 4) Handling of Livestock Medication materials – work with LC
 - a) Is it possible to create a category of alternative medicines on National List?
 - b) Is there a potential to create a “negative over-the-counter list”
 - c) Is there a category of “production aids” with reference of specific use
 - d) Is there an opportunity to have organic included as a “minor species/minor use” category by FDA?
 - e) Can recommended materials fit within current listings, such as calcium borogluconate as an “electrolyte”?
 - f) Can decisions made at higher levels of USDA and FDA facilitate the approval process for these substances?
- 5) Handling of Organic and Non-Organic Ingredients in “Made With” Products – work w/ HC
- 6) Guidance on Temporary Variances for Research – work w/ CC

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Handling – Kevin O'Rell, chair

- 1) Agricultural – Non-Agricultural review and recommendation for materials on 205.605(a).
 - Prepare Statement of Work (objectives, tasks, timetable)
 - Seek public input
 - Assess need for possible task force
- 2) Pet Food draft recommendation.
- 3) Work with Policy Development Committee regarding issue of organic and non-organic substances in “made with category”.
- 4) Sunset Material Review Process. Identify materials that need additional TAP review and begin to move forward.
- 5) Clarify the qualifications of materials classified as Food Contact Substances and provide guidance.
- 6) Review petitioned substances as needed.

Materials – Rose Koenig, chair

- 1) Orientation for new TAP contractors
- 2) Revise petition notification
- 3) Sunset document – Develop internal procedures to be prepared to meet timelines
- 4) Address the posted materials review documents – nonsynthetic vs non-synthetic; extraction methods; material review procedures
- 5) Work w/ committees to identify potential sunset materials for early reviews
- 6) Work w/ NOP and committees on pending petitions
- 7) Work w/ NOP on potassium carbonate issue
- 8) Work w/ HC on ag vs non-ag issue

Crops – Nancy Ostiguy, chair

- 1) Petitioned substances, including soy protein isolate
- 2) Sunset review priorities
- 3) Merge Compost Tea and Compost Task Force reports into draft rec'd for board vote
- 4) Draft guidance on “commercially available” organic seed requirements
- 5) Draft rec'd on hydroponics
- 6) Temporary variance for research guidance – work w/ PDC
- 7) Revise “natural resource” section of model farm plan to better address biodiversity and natural resource preservation requirements
- 8) Compost Q & As